

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ROSA FLORES,	)	
	)	
Plaintiff,	)	
v.	)	NO. CIV-16-0997-HE
	)	
NANCY A. BERRYHILL,	)	
Acting Commissioner of the	)	
Social Security Administration,	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff Rosa Flores has appealed the final decision of the Commissioner of the Social Security Administration, which denied her application for disability insurance benefits and supplemental security income under the Social Security Act. This case was referred to U.S. Magistrate Judge Shon T. Erwin for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B). The Report and Recommendation (the “Report”) concluded the Commissioner’s decision was based on a mischaracterization or misreading of the opinion of plaintiff’s treating physician. The Report recommends the decision be reversed and this case be remanded for further administrative proceedings. Objections to the Report were due by June 27, 2017, and no objection has been filed.

Having failed to object to the Report, the parties have waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059–60 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #20], a copy of which is attached to this order. The decision of the Commissioner is **REVERSED** and this

case is **REMANDED** for further administrative proceedings consistent with the Report.

**IT IS SO ORDERED.**

Dated this 10<sup>th</sup> day of August, 2017.

  
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JOE HEATON  
CHIEF U.S. DISTRICT JUDGE